

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL MEMORANDUM**

**HB 1777 – SB 1966**

February 29, 2016

**SUMMARY OF ORIGINAL BILL:** Sets a minimum period of confinement of 90 days for evading arrest, a Class E felony, and 180 days for evading arrest that creates a risk of death or injury, a Class D felony.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

**SUMMARY OF AMENDMENT (012844):** Deletes all language of the original bill.

Sets a minimum period of confinement of 30 days for evading arrest, a Class E felony, and 60 days for evading arrest that creates a risk of death or injury, a Class D felony.

Broadens the offense of Class A misdemeanor evading arrest to include a person concealing him or herself from law enforcement.

**FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:**

**Unchanged from the original fiscal note.**

Assumptions for the bill as amended:

- Tennessee Code Annotated 39-16-603(a) makes it an offense, a Class A misdemeanor, for any person to flee by any means of locomotion from anyone the person knows to be a law enforcement officer if the person (1) knows the officer is attempting to arrest the person, or (2) has been arrested. The bill broadens the offense to include a person concealing himself or herself from the officer.
- It is reasonable to presume that a person attempting to conceal him or herself from an officer attempting to make an arrest would first need to move away from the arresting officer, and unreasonable to presume that after being arrested a person could conceal him or herself without moving away from the arresting officer. In both instances, taking a step away from an officer to attempt concealment would constitute evading arrest under current law.

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- It is assumed that there will not be a sufficient number of additional prosecutions for state or local government to experience any significant increase in revenue or expenditures.
- Evading arrest is a Class E felony if the fleeing is accomplished through operation of a motor vehicle on any street, road, alley, or highway. Evading arrest is a Class D felony if the fleeing is accomplished through operation of a motor vehicle on any street, road, alley, or highway and the flight or attempt creates a risk of death or injury to innocent bystanders or other third parties.
- Statistics from the Department of Correction show that the average time served for Class E felony evading arrest is 1.91 years, or 697.63 days, for and 2.03 years, or 741.46 days, for Class D felony evading arrest that creates a risk of death or injury.
- The average admissions for evading arrest, whether a Class E or Class D felony, already serve more than 60 days. The bill as amended will not significantly impact incarceration costs.
- The bill as amended will not create any new cases. It is assumed that the courts, district attorneys, and public defenders can handle any impact within their existing resources.
- The Administrative Office of the Courts, the District Attorneys General Conference, and the District Public Defenders Conference confirm that the bill as amended will not significantly impact their operations.

## **CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.



Krista M. Lee, Executive Director

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